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SENATE BILL 80

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Rod Adair

AN ACT

RELATING TO HEALTH; PROHIBITING THE ADMINISTRATION OF BODY ART
AND BODY PIERCING UPON A MINOR WITHOUT THE CONSENT OF A PARENT
OR LEGAL GUARDIAN.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the Public Health Act is
enacted to read:

"[NEW MATERIAL] PARENTAL CONSENT.--

A. A person is guilty of unlawful body art
administration or body piercing upon a minor if the person
administers or offers to administer body art or body piercing
upon a minor without receiving the consent of the minor's
parent or legal guardian. Consent of the parent or legal
guardian shall require a notarized informed consent form from,
and the presence of, the parent or legal guardian at the

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1 procedure. The parent or legal guardian shall personally
2 deliver the notarized informed consent form to the person
3 administering the body art or body piercing and remain present
4 throughout the administration of the body art or body piercing.
5 Delivery of the informed consent form by the minor is not
6 sufficient to permit the administration of the body art or body
7 piercing. Presentation of photographic identification of the
8 parent or legal guardian is also required.

9 B. A municipality may by ordinance provide more
10 stringent standards than those provided in Subsection A of this
11 section.

12 C. As used in this section:

13 (1) "body art" means tattooing, the practice
14 of depositing pigment that is either permanent, semipermanent
15 or temporary into the epidermis using needles and includes
16 permanent cosmetics, dermography, micropigmentation, permanent
17 color technology and micropigment implantation, by someone
18 other than a state-licensed physician or a person under the
19 supervision of a state-licensed physician; and scarification,
20 the practice of cutting into the skin with a sharp instrument
21 or branding the skin with a heated instrument to produce a
22 permanent mark or design on the skin. "Body art" does not
23 include practices that are considered medical procedures by the
24 New Mexico medical board;

25 (2) "body piercing" means to cut, stab or

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1 penetrate the skin to create a permanent hole or opening in the
2 body, excluding the ear; and

3 (3) "minor" means a person younger than
4 eighteen years of age who is not married, is not on active duty
5 in the armed forces and has not been declared emancipated by a
6 court of law."

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